

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
GREENBELT DIVISION**

LIFE TECHNOLOGIES CORPORATION,

Plaintiff,

v.

LIFE TECHNOLOGIES CORPORATION, *et al.*,

Defendants.

Civil Action No. 8:10-cv-03527-RWT

**ORDER**

The Court has considered (1) Plaintiff's Motion in Support of its Damages (ECF Nos. 175 and 176), Defendant's and Dr. Krishnamurthy's Response in opposition (ECF Nos. 182, 184), and Plaintiff's Reply (ECF No. 186); (2) Plaintiff's Motion for Attorneys' Fees, Costs and Expenses (ECF Nos. 187 and 188), Defendant and Dr. Krishnamurthy's Response in opposition (ECF No. 195), and Plaintiff's Reply (ECF No. 197); (3) Defendant and Dr. Krishnamurthy's Motion to Strike Plaintiff's Motion for Fees (ECF No. 194), Plaintiff's Response in opposition (ECF No. 196), and Defendant and Dr. Krishnamurthy's Reply (ECF No. 198); and (4) Plaintiff's Motion for Leave to File its Motion for Attorneys' Fees, Costs and Expenses *nunc pro tunc* (contained within ECF No. 196), and Defendant and Dr. Krishnamurthy's Reply (ECF No. 198), as well as all declarations and exhibits attending each of the foregoing filings. The Court also heard oral argument from counsel for Plaintiff Life Technologies Corporation ("Plaintiff"), Defendant Life Technologies Corporation ("Defendant") and Dr. Krishnamurthy Govindaraj ("Dr. Krishnamurthy") with respect to each of the foregoing filings on April 19, 2016. Having considered all such filings, the evidence, and the arguments of counsel, and for the reasons stated on the record, the Court finds and **ORDERS** as follows:

1. Plaintiff's Motion in Support of its Damages (ECF Nos. 175 and 176) is **GRANTED**; and

2. Plaintiff is hereby awarded the sum of \$365,349.66 representing Defendant's and Dr. Krishnamurthy's profits arising from infringement of Plaintiff's trademarks in this matter; and

3. As previously determined by this Court (ECF No. 54 at p. 3, ¶8), Defendant's and Dr. Krishnamurthy's trademark infringement in this matter was willful, and this is an exceptional case under 15 U.S.C. § 1117. The trademark infringement related to the underlying litigation involved Defendant's and Dr. Krishnamurthy's intentional use of a counterfeit of Plaintiff's trademarks, and 15 U.S.C. § 1117(b) applies to this matter with respect to Plaintiff's claim for damages/monetary relief. Accordingly, Plaintiff's award of \$365,349.66 is **TREBLED** to **\$1,096,048.98** pursuant to 15 U.S.C. § 1117(b); and

4. Plaintiff is awarded pre-judgment interest in the amount of **\$61,332.16**, reflecting interest at the rate of three percent (3%) pursuant to 15 U.S.C. § 1117(b) and any applicable Internal Revenue Code section cited therein; and

5. Plaintiff's requested attorneys' fees, costs and expenses are reasonable and were necessary in the prosecution of this matter, and that Plaintiff's Motion for Attorneys' Fees, Costs and Expenses (ECF Nos. 187 and 188) is **GRANTED**; and

6. Plaintiff is hereby awarded the sum of \$529,875.50 in attorneys' fees and \$25,679.85 in recoverable costs and expenses for a total of **\$555,555.35**. This award of attorneys' fees, costs and expenses is independent of and in addition to the Court's previous award of \$246,398.06 in fees, costs and expenses as reflected in ECF Nos. 75 and 76; and

7. The Clerk **SHALL ENTER** Judgment for **\$1,712,936.49** in favor of Plaintiff and against Defendant and Dr. Krishnamurthy jointly and severally; and

8. Post-judgment interest shall accrue on all amounts awarded herein from the date of judgment until paid; and

9. Defendant and Dr. Krishnamurthy's Motion to Strike Plaintiff's Motion for Fees (ECF No. 194) is **DENIED**; and

10. Plaintiff's Motion for Leave to File its Motion for Attorneys' Fees, Costs and Expenses *nunc pro tunc* (contained within ECF No. 196) is **GRANTED**, and Plaintiff's Motion for Fees, Costs and Expenses is accepted as filed for all purposes; and

11. The amounts awarded herein (\$1,712,936.49) and the amount of \$246,398.06 previously awarded to Plaintiff for its pre-judgment attorneys' fees, costs and expenses (ECF Nos. 75 and 76) reflect and are on account of Defendant's and Dr. Krishnamurthy's willful and malicious injury to Plaintiff or to the property of Plaintiff. The Court finds that the Defendant and Dr. Krishnamurthy, individually and together, acted willfully and with malice toward Plaintiff or its property with regard to both the pre- and post-judgment phases of this litigation as the terms "willful" and "malicious" are understood and interpreted under Section 523(a)(6) of the Bankruptcy Code or other applicable Bankruptcy Code section; and

12. All remaining motions to seal (ECF Nos. 177, 189, 193) are **GRANTED**; and

13. The Clerk **SHALL CLOSE** this case.

Dated: May 26, 2016.

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ROGER W. TITUS  
UNITED STATES DISTRICT JUDGE